

Appn. No. 10/826,749  
Amendment dated August 11, 2008  
Reply to Office Action mailed June 10, 2008

**REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 25 remain in this application. No claims have been cancelled. No claims have been withdrawn or added.

**Paragraphs 1 through 3 of the Office Action**

Claims 1 through 25 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Aoki in view of Tow.

Claim 1 requires, in part, "providing a deletion skipped scenes capacity to said user" and "deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command". Claim 25 requires "providing to said user a capacity to delete scene segments skipped by said user using said user interface" and "deleting said scene segment records which contain information corresponding to skipped scene segments stored on said hard disk upon reception of a user command".

It is alleged in the Response to Arguments section of the final Office Action that:

Applicant argues on page 12 of Remarks that Tow does not disclose "providing a deletion skipped scenes capacity to said user for deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command".

The Examiner respectfully disagrees with applicant's arguments. Tow discloses that a parent, the user, can program a system to skip or delete scene segments based on a rating setting (Col 4 lines 52-58), suggests the system is capable of providing a deletion skipped scenes capacity to said user for deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments (R-rated). Tow further discloses the video content is taken from a recording device (Col 3 lines 46-49) and a hard disk to store programs and data (FIG.12B, 1226; Col 15 lines 3-5) hence suggest

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skipped segments stored on said hard disk, upon reception of a user command (when user program the system).

As previously noted, and addressed further below, the Tow patent discusses the deletion function and the skipping function in the alternative, one or the other, and thus does not support the allegation above that Tow "suggests the system is capable of providing a deletion skipped scenes capacity". Clearly, a discussion of performing one function or another function is not a disclosure of the combined function. Looking to the newly cited portions of the Tow patent, col. 3, lines 46 through 49 states:

Thus, a viewer watching a videotape at home on a television, may quickly view and understand the color navigation bar presented at the bottom of the screen and choose a location within the video to watch.

Reading this portion of the Tow patent does not reveal how this text discloses "the video content is taken from a recording device", as this portion of the Tow patent appears to discuss playback of the videotape and not recording. Even if this portion of the Tow patent discloses what is alleged in the Response section, it still does not repair the defect in the contention that the Tow patent discloses that "the system is capable of providing a deletion skipped scenes capacity". Clearly, the Tow patent discusses deletion and skipping in the alternative, and this portion of Tow does not bring the Tow system any closer to the language of the claim.

Further, the Response section in Office Action refers to the Tow patent at col. 15, lines 3 through 5, which states:

Fixed disk 1226 may be used to store programs, data and the like and is typically a secondary storage medium (such as a hard disk) that is slower than primary storage.

Again, assuming that this portion of the Tow patent discloses what is alleged in the Response to Arguments section, it is submitted that the failure of the Tow patent to disclose the claimed "providing a *deletion skipped scenes capacity* to said user" and "deleting said plurality of scene

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*segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command". In other words, the storage of data on a hard disk does not disclose the capacity set forth in the claims.*

It is further alleged in the Response to Arguments section of the final Office Action that:

The applicant further argues on page 13 that the teaching of deletion from Tow is ambiguous. The Examiner also disagrees. Tow explicitly discloses "delete certain scenes that have particular information or rating" (Col 3 lines 54-55).

Looking to the Tow patent at the referenced portion, it is stated at col. 3, lines 54 through 55 that:

A viewer trying to analyze a weekends worth of home surveillance videotapes can review the navigation bar at the bottom of the screen to find particular types of motion energy that indicate action caught by the video.

It is not understood how this discussion in the Tow patent of "review[ing] the navigation bar at the bottom of the screen to find particular types of motion energy" discloses "delet[ion of] certain scenes that have particular information or rating". It appears that the reference in the Response to Arguments portion may be mistaken.

Turning to the formal rejections, it is initially noted that claim 1 requires, in part, "providing a deletion skipped scenes capacity to said user" and "deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command".

In the rejection of the Office Action, it is asserted that the above requirements are disclosed by the Tow patent at col. 4, lines 52 through 58, where the Tow patent states (all emphasis added):

In a fourth embodiment, a playback device is enabled to detect this editorial information or rating information and skip over or delete

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certain scenes or frames that have particular information or a rating. For example, a parent could program the system to play an R rated movie yet skip over all of the scenes that are R rated so that a PG movie is created for viewing by children.

Thus, this portion of the Tow patent discusses the skipping over or deletion of scenes based upon "editorial or rating information", and not the deletion of scene segment records based upon which scene segments are skipped. Instead, the Tow patent discusses a system in which scenes are skipped OR deleted based upon the associated "editorial or rating information", but does not discuss deletion in response to skipping by the user.

Furthermore, the "editorial or rating information" upon which scenes are skipped OR deleted in the Tow system is clearly not related to actions taken by the user with respect to the scenes. The Tow patent further discusses the nature of the "editorial or rating information" at col. 4, lines 29 through 51, which states (all emphasis added):

In a third embodiment, any video information can be viewed by a professional who adds editorial information to the video. For example, editorial information such as tone, emotion, level of violence, or a wide variety of other signified meta-data or editorial content may be presented. The information may include the number of people in a scene, language content, an "adult" rating, and place information. The information can be annotated to the video and then presented to the user in a navigation bar. All of these types of statistics from the video stream are added as annotations to the video file for later analysis by the viewer looking at a navigation bar. Advantageously, the annotations are transparent, take up a very few number of bytes, and are readable by the device rendering the video to the viewer. Further, those devices that do not recognize the annotations added to the video file can simply disregard the annotations without affecting presentation of the video. As an extension of this embodiment, movie rating information is annotated to each frame or scene in a video. In this embodiment, a rating is added to the video file for later presentation to a viewer. In this way a viewer can view a navigation bar and determine which type of scenes occur at different places in the video.

It is submitted that this description of the "editorial or rating information" shows that the "information" is not of the type that is supplied or indicated

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by the user (e.g., by skipping a scene), but instead is information that is supplied with the video and based upon the determination of a "professional" or by a movie rating commission. It is therefore submitted that Tow does not disclose "providing a deletion skipped scenes capacity to *said user*" and "deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command".

Still further, it is submitted that Tow does not disclose the deletion of a plurality of skipped scene segments stored on said hard disk as the Tow patent merely discusses the "dropping" a scene from the playback of the video. More specifically, the Tow patent states at col. 14, lines 32 through 44 (emphasis added):

At 1105, a frame is acquired. At 1107, it is determined whether the frame should be removed based on the screening criteria. Using the example above, if a screen contains R-rated content, the frame is dropped and it is determined at 1109 whether any frames are remaining. If frames remain, at 1113 another frame is acquired. Alternatively if the frame should not be removed because it is not an R-rated frame, the frames are forwarded to output at 1111. Output can be a display device such as a monitor or a TV screen. After the frame is forwarded to output at 1111, it is determined at 1109 whether any frames remain. If any frames remain, the next frame is acquired to determine whether the frame should be screened.

It is submitted that, as this discussion relates to the playback of frames of a video, and merely indicates that the screen is "dropped" and not deleted, that one of ordinary skill in the art would understand that the screen or frame is merely not displayed, rather than being deleted from a hard drive.

Further, the discussion at col. 4, lines 52 through 58 relates to the playback of the scenes or frames, and not to the storage of the scenes or frames, and therefore it is submitted to be more likely than not that the discussion relates to deletion from playback (as discussed above) and not deletion from storage.

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It is believed to be significant that the only mention of "deleting" or "deletion" in the Tow patent is in the portion of the Tow patent at col. 4, lines 52 through 58 (quoted above), and that that reference to deletion is ambiguous as to whether the scene is actually deleted from storage or merely deleted from playback.,

Therefore, it is submitted that this portion of the Tow patent would not lead one of ordinary skill in the art to the requirements of claim 1, particularly the requirements of "providing a deletion skipped scenes capacity to said user" and "deleting said plurality of scene segment records which contain information of a plurality of skipped scene segments stored on said hard disk upon reception of a user command",

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Aoki and Tow set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 8, 15 and 20. Further, claims 2 through 5, 6 and 7, which depend from claim 1, claim 5, which depends from claim 4, claims 9 through 11, 13 and 14, which depend from claim 8, claim 12, which depends from claim 11, claims 16, 17 and 19 which depend from claim 15, claim 18, which depends from claim 17, claims 21, 22 and 24, which depend from claim 20 and claim 23, which depends from claim 22 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1 through 25 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



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